

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 7,237,366)	
Inventors: Donahey et al.)	
)	Examiner: Yip, Winnie S.
Serial No.: 10/601,372)	
Issued: July 3, 2007)	
For: Post-Tensioned Insulated Wall Panels)	

Mail Stop: Petitions
Attention: Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Request for Issuance of Corrected Patent Pursuant to 37 C.F.R. §1.322(b)

Dear Sir or Madam:

Petitioners respectfully request a corrected patent be issued for the above-referenced patent, pursuant to 37 C.F.R. 1.322(b). A Certificate of Correction was previously issued on August 21, 2007 to correct the misspelling of two of the inventors' names. The correct spellings of the inventors' names are Rex C. Donahey, Kim E. Seeber, and Robert T. Long. The error in the inventors' names was a Patent and Trademark Office error as the inventors' names were spelled correctly on the Declaration submitted on October 29, 2003.

Petitioners believe that the Certificate of Correction remains inappropriate in this situation. As such, 37 C.F.R. 1.322(b) and 35 U.S.C. § 254 allow for the issuance of a corrected patent when the Certificate of Correction is inappropriate.

In this case, the Certificate of Correction was inappropriate in that it did not fully remedy the Patent and Trademark Office's error. The Certificate of Correction only appears as an attachment to the image of the patent in the database. Thus, the information remains incorrect in the searchable text of the Patent and Trademark Office's Patent Full-Text and Full-Images Database ("Database"). Consequently, persons searching the Patent Office Records electronically will be unable to locate this patent due to the misspelling of the inventors' names because the Certificate of Correction will not be searched when a person conducts a search by inventor name.

These inventors have multiple patents and accolades in their names, and fear that persons searching for patents invented by them will be unable to locate this important patent because the Patent and Trademark Office mistake has not been updated in the searchable elements of the Database. Moreover, while the Certificate of Correction is available in image form with the

original image of the patent, searchers will likely not even stumble upon the above referenced '366 patent if searching by inventor name as the Database continues to search the misspellings, not the correct spellings of the inventors' names.

For example, Robert T. Long, Sr. is one of the inventors and is the Executive Vice President of a popular composites company. In fact, a search of the Database (IN/"Long, Sr" AND IN/Robert) reveals eight patents issued to Mr. Long. However, the database notably does not display the above referenced '366 patent due to the continued and uncorrected misspelling in the text of the Database. See the following screenshot of the search:

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Searching US Patent Collection...

Results of Search in US Patent Collection db for:
IN/"Long, Sr" AND IN/Robert: 8 patents.
Hits 1 through 8 out of 8

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[Refine Search](#) IN/"Long, Sr" AND IN/Robert

PAT. NO.	Title
1 7,712,272	T Symmetrical load transfer device for insulated concrete sandwich wall panels
2 7,266,931	T Concrete sandwich wall panels and a connector system for use therein
3 6,945,506	T Connector assembly for insulated concrete walls
4 6,276,104	T Extruded polystyrene foam insulation laminates for pour-in-place concrete walls
5 6,263,638	T Insulated integral concrete wall forming system
6 6,116,836	T Connector for composite insulated wall and method for making the wall
7 6,018,918	T Wall panel with vapor barriers
8 5,798,067	T Method for forming a concrete reinforcement element

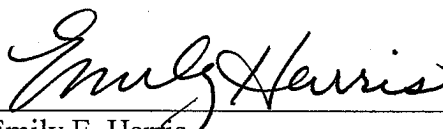
Clearly, because the Certificate of Correction did not update the text portion of the Database, searchers will not be able to locate the patent through an inventor search for the two misspelled inventor names. Accordingly, the patentees' and assignee's fear that searchers will be unable to locate the above referenced '366 patent is clearly founded. As a result, the Certificate of Correction was not an appropriate solution to fully remedy the Patent and Trademark Office mistake as the assignee and inventors are still clearly disadvantaged by the continued misspelling in the searchable text of the Database.

Consequently, petitioners respectfully petition the Director to issue a corrected patent in lieu of the prior Certificate of Correction as the Certificate of Correction remains an insufficient and inappropriate remedy given the Patent and Trademark Office mistake. Since the error for which a Corrected Patent is sought was a result of a Patent and Trademark Office mistake, no fee is due (35 U.S.C. §254; 37 C.F.R. 1.322(b)).

Respectfully submitted,

Date:

10/28/10



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